
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

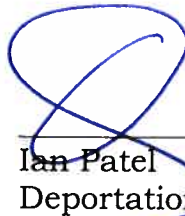
UNITED STATES OF AMERICA : Hon. James B. Clark, III
:
v. : Magistrate No. 20-12006 (JBC)
:
OTONIEL VARGAS-COJ, : **CRIMINAL COMPLAINT**
a/k/a "Eluid Hixcoy," :
a/k/a "Ottoniel P. Vargas" :

I, Ian Patel, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT B



Ian Patel
Deportation Officer
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me and subscribed in my presence,
January 6, 2020 at Newark, New Jersey

HONORABLE JAMES B. CLARK, III
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

On or about July 29, 2000 and on or before May 1, 2019, in Monmouth County, in the District of New Jersey, and elsewhere, the defendant,

OTONIEL VARGAS-COJ,
a/k/a "Eluid Hixcoy,"
a/k/a "Ottoniel P. Vargas,"

being an alien, and on or about May 1, 2019, having been deported and removed and departed from the United States while an order of removal was outstanding, did knowingly and voluntarily enter, attempt to enter, and was found in the United States without the Attorney General expressly consenting to the defendant's re-applying for admission to the United States prior to his re-embarkation at a place outside the United States.

In violation of Title 8, United States Code, Section 1326(a).

ATTACHMENT B

I, Ian Patel, am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. The defendant, OTONIEL VARGAS-COJ, a/k/a "Eluid Hixcoy," a/k/a "Otoniel P. Vargas," (the "Defendant"), is a citizen of Mexico, and he neither is a citizen nor a national of the United States.

2. On or about July 10, 2000, Defendant was arrested by the US Border Patrol ("USBP") in Wyoming for illegally entering the United States.

3. Thereafter, on or about July 27, 2000, Defendant was ordered removed from the United States to Mexico by an Immigration Judge sitting in Denver, Colorado.

4. On or about July 29, 2000, Defendant was removed from the United States to Mexico. Shortly before his removal from the United States on or about July 29, 2000, an official from the Immigration and Naturalization Service ("INS") took a fingerprint from Defendant.

5. At some point after his July 29, 2000 removal, Defendant re-entered the United States without permission from either the Attorney General or the Secretary of Homeland Security.

6. On or about September 22, 2004, Defendant was arrested by law enforcement officers in the District of Wyoming (Cheyenne), for Illegal Entry into the United States, in violation of Title 8, United States Code, Section 1325.

7. On or about September 24, 2004, Defendant pled guilty in the United States District Court for the District of Wyoming (Cheyenne), to Illegal Entry into the United States, in violation of Title 8, United States Code, Section 1325 and subsequently sentenced to time served.

8. On or about October 12, 2004, Defendant was removed from the United States to Mexico.

9. On or about May 1, 2019, Defendant was arrested by the Asbury Park Police Department in New Jersey, for Aggravated Sexual Assault – Victim

< 13, in the First Degree, in violation of Section 2C:14-2(a)(1) of the New Jersey Code of Criminal Justice, and for Endangering – Sexual Conduct with Child by Caretaker, in the Second Degree, in violation of Section 2C:24-4(a)(1) of the New Jersey Code of Criminal Justice.

10. On or about August 23, 2019, Defendant pled guilty in the Superior Court of New Jersey, Monmouth County, to Abuse/Abandonment/Cruelty & Neglect of Child, in the Fourth Degree, in violation of Section 9:6-1 of the New Jersey Code of Children—Juvenile and Domestic Relations Courts and subsequently sentenced to approximately one hundred ninety-nine days' imprisonment.

11. On or about November 15, 2019, Defendant entered into the custody of ICE in New Jersey.

12. A fingerprint taken from Defendant from his deportation record for the July 29, 2000, were compared to Defendant's fingerprint that was taken on or about May 2, 2019 after he entered law enforcement's custody. All the fingerprints were found to be identical.

13. Prior to Defendant's reentries into the United States, neither the Attorney General nor the Secretary of Homeland Security consented to Defendant re-entering the United States. Defendant also did not receive a waiver allowing him to re-enter the United States.